

REMARKS

Claims 10-21 are pending in this application.

Applicants have amended claims 10 and 17, and have canceled claims 1-9. The changes to the claims made herein do not introduce any new matter.

In light of the election of claims 10-21 for prosecution on the merits, Applicants have canceled non-elected claims 1-9. Applicants reserve the right to pursue non-elected claims 1-9 in a timely filed divisional application.

Applicants respectfully request reconsideration of the rejection of claims 10, 15-17, 20, and 21 under 35 U.S.C. § 102(b) as being anticipated by *Mertens et al.* (WO 99/16109). As will be explained in more detail below, the *Mertens et al.* reference does not disclose each and every feature of the subject matter defined in independent claims 10 and 17, as amended herein.

Applicants have amended independent claim 10 to define a proximity head including a heating portion, a sensor, a channel, and a bottom surface having at least one outlet port and at least one inlet port, with the at least one outlet port being in fluid communication with the channel, and the at least one outlet port opening to a fluid meniscus supported between the bottom surface of the proximity head and a surface of the semiconductor wafer. Independent claim 17 defines a semiconductor wafer processing system that includes, among other things, a proximity head having the features specified in amended claim 10.

The *Mertens et al.* reference discloses a method and apparatus for removing a liquid from the surface of a rotating substrate. In the disclosed method, the substrate is subjected to rotary movement, a liquid is supplied to the surface of the substrate, and the substrate is locally heated while the liquid is being supplied to create a sharply defined liquid-ambient boundary by locally reducing the surface tension of the liquid. During the time the liquid is being supplied to the surface of the substrate, no fluid meniscus is formed between the surface

of a proximity head and the surface of the substrate. Furthermore, the liquid supply system 5 and heat source 4 shown in the *Mertens et al.* reference (see Figure 1) do not have the configuration specified for the proximity head in claims 10 and 17. As such, the *Mertens et al.* reference does not disclose a proximity head as in the claimed subject matter. Thus, for at least the foregoing reasons, the *Mertens et al.* reference does not disclose each and every feature specified in claims 10 and 17, as amended herein.

Accordingly, claims 10 and 17, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Mertens et al.* Claims 15 and 16, each of which depends from claim 10, and claims 20 and 21, each of which depends from claim 17, are likewise patentable under 35 U.S.C. § 102(b) over *Mertens et al.* for at least the same reasons set forth above regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 11-14, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Mertens et al.* in view of *Kawamura et al.* (U.S. Patent No. 5,696,348). Each of claims 11-14, 18, and 19 depends from either claim 10 or claim 17. The *Kawamura et al.* reference does not cure the above-discussed deficiencies of the *Mertens et al.* reference relative to the subject matter defined in claims 10 and 17, as amended herein. Accordingly, claims 11-14, 18, and 19 are patentable under 35 U.S.C. § 103(a) over *Mertens et al.* in view of *Kawamura et al.* for at least the reason that these claims depend from claim 10 or claim 17.

Applicants respectfully request reconsideration of the provisional rejection of claims 10, 15-17, 20, and 21 on the ground of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/061,944 to *Yun et al.* in view of *Mertens et al.* As discussed above, the *Mertens et al.* reference does not disclose a proximity head having the features specified in amended claims 10 and 17. Furthermore, the heat source in the *Mertens et al.* reference heats the substrate or a region thereof. As such,

Applicants respectfully submit that there would not have been any motivation for one having ordinary skill in the art to modify the claimed subject matter of *Yun et al.* in the manner proposed by the Examiner. Accordingly, the Examiner has not established that the presently claimed subject matter is an obvious variation of the claimed subject matter of *Yun et al.*

Applicants respectfully request reconsideration of the provisional rejection of claims 11-14, 18, and 19 on the ground of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/061,944 to *Yun et al.* in view of *Mertens et al.* as applied to claims 10, 15-17, 20, and 21, in further view of *Kawamura et al.* Each of claims 11-14, 18, and 19 depends from either claim 10 or claim 17. The *Kawamura et al.* reference does not cure the above-discussed deficiencies of the combination of *Yun et al.* and *Mertens et al.* relative to the presently claimed subject matter. Accordingly, the subject matter of claims 11-14, 18, and 19 is not an obvious variation of the claimed subject matter of *Yun et al.* for at least the reason that these claims depend from either claim 10 or claim 17.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 10-21, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. LAM2P451).

Respectfully submitted,
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